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37 C.F.R. § 1.8

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February 15, 2002  
Date

  
Shelley P.M. Fussey

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Philip E. Thorpe Sophia Ran and  
Rolf A. Brekken (As Amended)

Serial No.: 09/351,149

Filed: July 12, 1999

For: CANCER TREATMENT KITS  
COMPRISING THERAPEUTIC  
CONJUGATES THAT BIND TO  
AMINOPHOSPHOLIPIDS

Group Art Unit: 1619

Examiner: Sharareh, S.

Atty. Dkt. No.: 3999.002383

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Supplemental Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record in the present case. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

In accordance with 37 C.F.R. §§ 1.97(g),(h), this Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

First, second and third Non-Final Official Actions reflecting examination on the merits have been received in the present application. However, this Supplemental Information Disclosure Statement is being filed prior to the mailing of a final Official Action, notice of allowance or an Action that closes prosecution, and is timely filed in accordance with 37 C.F.R. § 1.97(c) without a fee in light of the following information.

In accordance with 37 C.F.R. § 1.97(e)(1), Applicants hereby certify that each item of information contained in this Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a related foreign application not more than three months prior to the filing of the present statement. Specifically, each item of information was cited in a communication mailed from the European Patent Office on January 21, 2002. The references are also believed to be at best cumulative of various references already of record.

In accordance with 37 C.F.R. § 1.98 (a)(3), a concise explanation of the relevance of the submitted article, EP 0 255 424 A1, as it is presently understood, is supplied. The following concise explanation is the Abstract for EP 0 255 424 A taken from the record prepared by Derwents World Patent Index, as presented in file 351 on the Dialog Information System. A copy of the entire Derwents World Patent Index record is also attached to the hard copy of the reference. The record shows that EP 0 255 424 A1 is the counterpart of U.S. Patent No. 4,981,953, a copy of which has also been obtained and is presently disclosed.

"Immunotoxins of statistical formula P'-W-A' (I) are new; where P' = residue of an antibody (or fragment), opt chemically modified and locking at least one of its normal functional gp., and with other functional gps. opt blocked; A' = radical of trichosanthine (T1) or trichokirin (T2), opt chemically modified, lacking at least one of its normal functional gps., and with other functional gps. opt blocked; W = bivalent, covalent structure contg at least one thioether or disulphide gp in which the S atoms are derived from Cys residues in P or A or are bonded to natural functional gps. in P and/or A byspacers. Also new are intermediates of formula (VI) where P2" = residue, lacking at least one phenolic OH or Tyr, of any antibody or immunoglobulin (or fragment) or of T1 or T2, all opt as artificially modified derivs.; the O atom between P2" and CO is derived from the missing phenolic OH, E = inert spacer; G = -S-S-X, etc.; X = activating gp."

No fees are believed to be due in connection with the filing of this Supplemental Information Disclosure Statement. However, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Examiner should contact the undersigned representative to discuss deduction from Williams, Morgan & Amerson Deposit Account No. 50-0786/3999.002383.

Respectfully submitted,



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